

Title 7—Agriculture

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT
QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

DUTCH ELM DISEASE QUARANTINE

INTRODUCTORY NOTE

This revision of the quarantine and regulations extends the regulated areas to include parts of nine Pennsylvania counties and additional sections in Connecticut, New Jersey, and New York where the Dutch elm disease has been located, including parts of the following newly added counties: New London County, Conn.; Burlington and Ocean Counties, N. J.; and the New York counties of Albany, Broome, Chenango, Delaware, Greene, Otsego, and Sullivan. The town of Huntington, Suffolk County, N. Y., has been removed from the regulated area. The Chief of the Bureau of Entomology and Plant Quarantine, under authorization contained in the present revision of the quarantine notice, may modify, by making less stringent, the restrictions of the regulations.

SUMMARY

The areas covered by these regulations comprise parts of Connecticut, New Jersey, New York, and Pennsylvania as designated in § 301.71-3.

These regulations prohibit the interstate movement from the regulated areas of all parts of elms of all species, except that elm lumber or products manufactured from or containing elm wood, if entirely free from bark, are exempt from restriction.

No restrictions are placed on the interstate movement wholly within the regulated area.

Shipments originating outside the regulated area may be moved through the regulated area only on through billing. Restricted articles trucked through the regulated area in summer must be covered.

DETERMINATION OF THE SECRETARY OF AGRICULTURE

The Secretary of Agriculture, having given the public hearing required by law and having determined that it was necessary to quarantine the States of Connecticut, New Jersey, and New York, to prevent the spread of the Dutch elm disease (*Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz), a dangerous plant disease not theretofore widely prevalent or distributed within and throughout the United States, on February 20, 1935, promulgated Notice of Quarantine 301.71, part 301, chapter III, title 7, Code of Federal Regulations, with regulations supplemental thereto, governing the movement of elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery forest, or privately grown, including (1) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (2) logs or cordwood of such plants; and (3) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants (unless the wood was entirely free from bark), from any of the above-named States into or through any other State or Territory or District of the United States §§ 301.71-1-6 inclusive, part 301, chapter III, title 7, Code of Federal Regulations [B. E. P. Q.—Q. 71, effective on and after February 25, 1935]. The Secretary of Agriculture, having given a further public hearing in the matter, has determined that it is necessary to revise the quarantine and regulations for the purpose of extending the regulated areas owing to the existence of substantial infections of the Dutch elm disease in Pennsylvania and in additional sections of Connecticut, New Jersey, and New York, and to make other modifications.

ORDER OF THE SECRETARY OF AGRICULTURE

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the subpart entitled "Dutch Elm Disease," of part 301, chapter III, title 7, Code of Federal Regulations [B. E. P. Q.—Q. 71] is hereby amended, effective October 1, 1941, to read as follows:

SUBPART—DUTCH ELM DISEASE

QUARANTINE

§ 301.71. *Notice of Quarantine.*—Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture quarantines the States of Connecticut, New Jersey, New York, and Pennsylvania, to prevent the spread of the Dutch elm disease. Hereafter, elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (1) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (2) logs or cordwood of such plants; and (3) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants (unless the wood is entirely free from bark) shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary, the enforcement of the aforesaid regulations as to such regulated areas shall be adequate to prevent the spread of the Dutch elm disease: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Dutch elm disease therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infection: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

REGULATIONS

§ 301.71-1. *Definitions.*—For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Dutch elm disease.*—The plant disease known as the Dutch elm disease (*Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz), in any stage of development.

(b) *Quarantined area.*—Any State quarantined by the Secretary of Agriculture to prevent the spread of the Dutch elm disease.

(c) *Regulated area.*—Any area in a quarantined State which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.71, as revised.

(d) *Moved interstate.*—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(e) *Inspector.*—An inspector of the United States Department of Agriculture.

§ 301.71-2. *Limitation of restrictions to regulated areas.*—Conditioned upon the compliance on the part of the State concerned with the first and second provisos to § 301.71, the restrictions provided in these regulations on the inter-

state movement of plants and plant products and other articles enumerated in said § 301.71 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.

§ 301.71.3. *Regulated areas.*—In accordance with the first and second provisos to § 301.71, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the counties, townships, towns, and cities listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut.—Fairfield County; towns of Bethlehem, Bridgewater, Harwinton, Litchfield, Morris, New Milford, Roxbury, Thomaston, Torrington, Washington, Watertown, and Woodbury, in *Litchfield County*; all of *New Haven County* except the towns of Cheshire, Madison, Prospect, and Wolcott; and the town of Preston, in *New London County*.

New Jersey.—Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Morris, Passaic, Somerset, Sussex, Union, and Warren; townships of Bordentown, Chesterfield, Mansfield, New Hanover, North Hanover, Pemberton, and Springfield, the city of Bordentown, and the boroughs of Fieldsboro and Pemberton, in *Burlington County*; all of *Middlesex County* except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and Spotswood; all of *Monmouth County* except the townships of Freehold, Millstone, Neptune, and Wall, and the boroughs of Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Freehold, Jersey Homestead, Manasquan, Neptune City, Sea Girt, South Belmar, Spring Lake, and Spring Lake Heights; and the township of Plumstead, in *Ocean County*.

New York.—Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, and Westchester; town of Bethlehem, in *Albany County*; towns of Chenango, Colesville, Conklin, Fenton, Kirkwood, Sanford, and Windsor, in *Broome County*; towns of Afton, Bainbridge, Coventry, and Greene, in *Chenango County*; towns of Ancram, Claverack, Clermont, Copake, Gallatin, Germantown, Ghent, Livingston, and Taghkanic, in *Columbia County*; town of Deposit, in *Delaware County*; town of Catskill, in *Greene County*; town of Unadilla, in *Otsego County*; town of Mamakating, in *Sullivan County*; and all of *Ulster County* except the towns of Benning, Hardenbergh, Kingston, Olive, Shandaken, and Woodstock.

Pennsylvania.—Township of Anity, in *Berks County*; all of *Bucks County* except the townships of Lower Southampton and Upper Southampton; townships of Lower Milford, Salisbury, and Upper Saucon, and the borough of Coopersburg, in *Lehigh County*; townships of Hanover, Pittston, and Plains, city of Wilkes-Barre, and the boroughs of Ashley, Edwardsville, Forty Fort, Kingston, Larksville, Plymouth, Sugar Notch, Warrior Run, and Wyoming, in *Luzerne County*; townships of Middle Smithfield, Smithfield, and Stroud, and the boroughs of Delaware Water Gap, East Stroudsburg, and Stroudsburg, in *Monroe County*; townships of Franconia, Hatfield, Lower Merion, Lower Moreland, Marlboro, New Hanover, Perkiomen, Salford, Upper Hanover, Upper Merion, West Norriton, and that portion of Whitemarsh Township northeast of Stanton Avenue, and the boroughs of Bridgeport, Bryn Athyn, East Greenville, Greenlane, Hatfield, Narberth, Pennsburg, Red Hill, Souderton, West Conshohocken, and West Telford, in *Montgomery County*; townships of Bethlehem, Hanover, Lower Mount Bethel, Lower Saucon, Upper Mount Bethel, and Williams, the city of Easton, and the boroughs of Freemansburg, Glendon, Hellertown, Portland, West Easton, and Wilson, in *Northampton County*; ward 35, in the city of Philadelphia, in *Philadelphia County*; and the townships of Harmony and Jackson, and the borough of Lanesboro, in *Susquehanna County*.

§ 301.71-4. *Control of movement of elm plants and elm products.*—Elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (1) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (2) logs or cordwood of such plants; and (3) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants, if the wood is not free from bark, shall not be moved interstate from any regulated area to or through any point outside thereof.

Plants and plant products enumerated in this regulation may be moved interstate from an area not under regulation through a regulated area to a non-regulated area only when such movement is on through billing: *Provided*, That such movement by truck or other road vehicle may not be made during the



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period from April 1 to October 31, inclusive, of any 12-month period unless the restricted products contained therein while passing through any regulated area are covered or otherwise protected, to the satisfaction of an inspector, from contamination by insect vectors of the Dutch elm disease.

§ 301.71-5. *Shipments for experimental and scientific purposes.*—Articles subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

Done at Washington, D. C., this 20th day of September 1941.

Witness my hand and the seal of the United States Department of Agriculture.

GROVER B. HILL,
Acting Secretary.

